

1891-008
Lee Co.

Chancery Causes: James Herd + wife vs. Enoch Herd + wife &

Robinet

3 Plats

CA-Estate Dispute
T-Property

To the Hon. H. S. K. Morrison Judge
of the Circuit Court of Lee Co Va
Your complainants James Herd
and Laura Herd his wife, the
latter an infant, ones by the
said James Herd her husband
and next friend, Humbly
Complaining would respect-
fully represent, That one John
D. Robinett late of this county
now deceased, was at the time
of his death the owner of a
small but valuable real estate
situated in this County adjoining
the Tenn State line, whereon he
resided at the time of his death
and is properly described by
his deeds and title papers, now
of record in this County.

The said John D. died intestate
and these lands descended to his
children as his heirs at law.
viz: Your female complainant,
William Robinett, Elizabeth Rob-
inett and Donie Robinett, four
in number, he also left a widow
Martha Robinett, who has since
intermarried with, and is now the
wife of Enoch Herd, and she

is entitled to dower in these lands.
All of the children are infants
under 21 years of age.

The personal estate was ample
for the payment of debts, and
they have all been settled up
by Pryor Miller the administra-
tor of said estate; and the lands
are quite susceptible of partition.

The object of this bill therefore
is to have partition made of
said lands among the four said
heirs and the dower of Martha
Herd laid off so that it may
bear equally on each of said
shares.

The prayer of your com-
plainants therefore is that
Enoch Herd and Martha Herd
his wife, William Robinett
Elizabeth Robinett and Donie
Robinett be made parties de-
fendants to this bill and ans-
wer the same. That a guardian
ad litem be appointed to answer
and defend said infants. And
on a hearing a decree be ren-
dered, making partition of

said land, and assigning the
wielders thereof therein. And for
all after further and general
relief may supra issue &c.

A. L. Prichard

p. 9.

Hyatt & 15.29
" G. A. L. 5.00
S. 2.00
A. 15.00
Cours 30.00
Lea. to - 2.91

\$70.20

James Herd & wife

Bill Chy

Enoch Herd & wife et al

1890 1st Mr. Rules Bill

Filed 3rd & 4th D. C. W.
And G. A. L. filed

" 2nd Mr. Rules D. C. Confd
& Cause set for hearing

" Mr. Decree for
partition & costs

" Aug. Continued

" Dec. "

1891. March. Decree

final

Deed Book 27

Page 123 & c

J. A. Gibson
Clerk

James Herd & wife
vs
Enoch Herd et al } In shuney.

The joint answer of Jm Robnett,
Elizabeth Robnett, and Sonie Robnett
infants under the age of 21 years, by J. A.
H. Hyatt their guardian ad litem, as-
signed to defend them in this suit, to a
bill of complaint exhibited against him
and others in the Circuit Court for Lin
coln by James Herd and wife.

Your respondents reserving to them-
selves the benefit of all just exceptions
to the said bill, for answer thereto, or to so
much thereof as they are advised that
it is material they should answer, by this
said guardian ad litem, answer & say:-

That they are all infants of tender years
and by reason of their infancy is incap-
ble of understanding, or of taking care
of their rights and interests. They, therefore
by their said guardian, committed them-
selves and their rights and interests to the
protection of the Court, and pray that
no decree may be pronounced which will
bind to their prejudice. Now having fully
answered, the said respondents pray to be
dismissed with their reasonable costs
in this behalf expended. And they will ever
pray &c.

J A H Hyatt
guardian ad litem for said infants

Enoch Hurd at al

vs } A. G. A. C.

James Hurd at al

Filed at 1st March
Pulvis 1890

J. A. Hyatt ©

L. A. L. Geff \$5.00

James Herd & wife
against
Enoch Herd & wife et al. } In chy -

This cause came on again to
be heard & the papers formerly
read & the report of Prior J.
Miller, G.B. Hallen & John M
Late Commissioners filed December
10th 1890 to which there are
no exceptions & was argued by
Counsel, on consideration of
which & for reason appearing
to the Court it is adjudged, ordered
& decreed that Martha Herd as
the widow of John D Robinett dec'd
take & hold for & during her
natural life the lot of land
assigned to her by said Court
as & for her dower interest as
shown by said report & the
plat accompanying the same.
That Wm Robinett take & hold
Lot. No. 1 as shown by the maps
& bounds of said plat & report.
That Laura ~~Herd~~ ^{the wife of James Herd} take &
hold Lot No. 2 & that Dona Robi-
nett so take & hold Lot. No. 3,
that Elizabeth Robinett so take

& hold Lot No. 4, & the Clerk of
this Court will deliver to the
Clerk of the County Court the de-
cree directing partition in this
Cause, the report ~~of~~ ^{of} ~~the~~ ^{of}
making partition of the same
& the latter Clerk will record
the same in the book kept
by him for the recordation of deeds
& will index the same as deeds,
& will then deliver said papers
back to the Clerk of this Court.
It is adjudged, ordered & decreed
that the Guardian of Wm Robinett,
Laura Herd the Guardian of Dona
Robinett ^{& Elizabeth Robinett} each pay one fourth
of the costs of this suit &
the same is decreed to be a lien
upon each Lot herein above as-
signed. No further action being
necessary the cause is stricken
from the docket.

James Herd & wife
vs 3 Decemfina

Enoch Herd & wife of
April 7. 1891-

Entered in Chas C.P.
P. 328-9. April 2. 1891.
J. A. Hyatt C.

Enter this
April 2 1891-
H. S. M.

James Herd & wife Affr. } On chg
against
Enoch Herd & wife & sept. 21

This Cause came on this day to be heard upon the bill of the plffs taken for confessed as to the adult, and upon the answer of John A. G. Hyatt guardian ad litem for Wm Robinett Elizabeth Robinett and Dorice Robinett infant-defendants, and replication thereto & was argued by Counsel - On consideration whereof and for reasons appearing to the Court, John M. Tate, Prior J. Miller and G. B. Waller - who are hereby appointed special commissioners for the purpose will go on the land in the bill mentioned and first lay off and assign Martha Herd wife of Enoch Herd, formerly Martha Robinett one third in rental value of the lands in the bill mentioned including the mansion house, they will then lay the ~~residue~~ of said lands off into four equal parts, ~~so that each lot may~~ including said dower and so that the said dower will fall equally on each lot and one of these lots they will assign the female plff subject to the dower of the said Martha, & one each to the other children of John D. Robinett subject

to the right of clerks. They will make a
 plat & report showing by meter & bounds
 said clerks & each lot, and that part of
 each lot covered by the clerks. They will
 make report & file & with the same ~~file~~
 said plat at the next term of this
 Court & the Cause is continued

James Herdson

Decree for
 Partition

Enoch Herdson

March 7. 1890

Entered Chas

C. B. page 263

Wyatt

Enter this

Apr 2 1890.

H. H. H.

Virginia

At a Circuit Court continued and
held for Lee County at the Court House
thereof April 2^d 1890.

James Heard & wife
against

Defts

In Chancery

Enoch Heard & wife et al Defts

This Cause came on to # # #

On consideration whereof
and for reasons appearing to the
Court, John M. Tate, Prion J. Miller
and G. B. Wallen, who are hereby
appointed Special Commissioners
for the purpose, will go on. The
land in the bill mentioned
and first lay off and assign
Martha Heard wife of Enoch Heard
formerly Martha Robinson one third
in rental value of the lands in the
bill mentioned including the
mansion house. They will then
lay the said lands off into four
equal parts, including said dower
and so that the said dower will
fall equally on each lot; and
one of these lots, they will assign
the female plaintiff, subject to
the dower of said Martha, and
one each to the other children

of John D. Robinsett dec'd, subject to
the right of dower.

They will make a plat & report,
showing by metes and bounds
said dower and each lot, and that
part of each lot covered by the dower.

They will make report & file with
the same said plat, at the next
term of this Court and the Cause
is Continued.

A Copy
Teste J. A. S. Hyatt ©

James Heard & wife
vs. Copy of Deed

Geo

Enoch Heard & wife

The within notice

was executed by

me, above - Dec 1890

by delivering a

true copy to each

of the parties named

in said

notice

of 13 walls & 8

for A. B. Murray.

Sherriff for
the County etc.

Free for Copies \$1.98

To Judge H. S. K. Morrison Judge
of the Circuit Court of Lee County Va.
Pursuant to an order from your Hon.
Court in the case of James Herd and
Wife Plffs. vs. Enosh Herd & Wife et al.
Left at the April Term 1890.

We the undersigned went upon the
lands in the order mentioned and
found the following plat of land
and proceeded to partition the same
as follows, First- to the Widow Martha
Robinson (now Herd) one third of the
rental value including the dwellinghouse
and out buildings. 2nd We then divided
the whole Estate including the dower, in
to four equal shares so as to let each
share rise or fall on the dower equal
in value.

First- Courses & Bearings of the whole Estate
to wit: Beginning on a planted rock
on the Tenn. & Va. line, corner between
the Late J. S. Robinson and J. H. Robinson. Thence
N. 20. W. 26 poles to a stake. Thence N. 62. E.
81 poles to a persimmon. Thence N 10 1/2 W. 52
poles to a white oak. Thence S. 10 North 18 poles
to a black oak. Thence N. 65. E. 8 poles to a
white oak on top of a spur. Thence N. 9. W
13 poles. Thence N. 29 1/2 W. 66 poles to the
top of ridge Thence N. 12 1/2 E. 32 poles.

2

to a post oak. Thence N. $49\frac{1}{2}$ E. 26 poles
to a black oak and post oak. Thence N. 75 E.
42 poles. Thence N. 52 E. 17 poles to a chest-
nut corner of Isaac Lawson. Thence S.
 $23\frac{1}{2}$ E. 120 poles to a red oak and two white
oaks on the top of a spur Thence S. 32 E. 42
poles to the south bank of the North fork
road. Thence S. 10 E. 18 poles to a stake. Thence
S. 8 E. 13 poles to a bush and black oak
Thence N. $70\frac{1}{2}$ E. 34 poles to a double bush
on top of a high hill. Thence S. 28 E. 20 poles
to a black oak and dogwood. Thence N. 88 E. 47
poles to a Sycamore on the bank of a branch
Thence S. 27 E. 14 poles to a Sycamore at the
mouth of said branch. Thence S. 15 W. 29
poles crossing North fork to bush on south
bank. Thence S. 25 E. 38 poles to the State line
on the north side of a high mob. Thence
S. west 237 poles to the beginning
Containing 208 Acres

We then ran off to the Widow to wit
Martha Hurd. The following plat of land
to wit: Beginning on a bush near the
south bank of the North fork ~~and~~ creek
a corner between Isaac Hurd and Isaac
Lawson Thence S. $80\frac{1}{2}$ W. 67 poles to a black
walnut near the creek on a rock Thence
N. 65 W. 30 poles to a marble sugar tree

2

Thence due west 84 poles to a planted rock on the grave-yard hill. N. 35. W. 16. 8. passing a marked black walnut to a planted rock near the barn. S. 62. W. 27 poles to a persimmon J. W. Tankersley corner. Thence on the same degree 11 poles to a stake S. 20. E. 26 poles to the state line the beginning corner of the said estate Thence East 217 poles with the Tenn. line to Isaac Hendricks corner. N. 25. W. 38 poles to the beginning containing 37 Acres.

We then proceeded to divide the whole estate in four equal shares so as to let each share rest equally on the Dover as near as we could.

First

To William Robinslot lot No. 1. Beginning on a persimmon corner of J. W. Robinslot's land or Geo. Tankersley's Thence S. 62. W. 11. poles to a stake corner of the whole tract and J. H. Robinslot. S. 20. E. 14. poles to the N. H. road N 49 E with said road 32 poles to a planted rock N. 14. W. 182 poles to the top of a ridge on a black oak and post-oak S. 49. W. 26 poles to a post oak. S. 12 1/2. W. 32 poles to a corner of said Tankersley land on top of a high knob. S. 29 1/2. E. 66 poles. S. 9. E. 13 poles to a white oak S. 65. W. 8. poles to a black oak Thence due South 18 poles to white oak S. 10 1/2. E. 52 poles to the beginning containing 35 acres

Second To Laura Robins lot No. 2. Beginning on a stake in the Tenn. line on the bank of the N. T. of Clinch near the Scott & Lee line Thence N. 23. W. 113 poles to a black gum and blackoak also whiteoak on a spur N. 10 1/2 W 140 poles to a whiteoak and double blackoak on the top of a ridge. S. 75. W. 42 poles to the N. E. corner of lot No. 1. S. 14. E 182 poles with line thence to the N. T. road S. 49. W. with the road S. 2 poles to J. H. Robins line S. 20. E 11. poles to the Tenn. line Thence East with the same line to the Beginning. Containing 63 acres

Third To Sarah Robins lot No. 3 Beginning near the Scott & Lee corner on the Tenn. line corner of lot No. 2. Thence N. 23. W. 113 poles with the line of lot No. 2. to a whiteoak black gum and blackoak. on a spur N. 10 1/2 W. 140 poles to a whiteoak & double blackoak on top of a ridge N. 52. E. 17. poles to a chestnut oak John Lawsons corner S. 23 1/2. E. 120 poles to a red oak and two whiteoaks on top of a spur. S. 32. E. 42 poles to the South bank of the N. T. road S. 65. W. 19 poles to a stake S. 15. E. 31. poles to a blackoak and buck near the top of a spur S. 25. E. 65 poles crossing the same fork to the Tenn. line Thence West 40 poles to the Beginning. Containing 55 acres

Fourth To Elisabeth Robins lot No. 4. Beginning

on a flinted rock on the south side of
 the N.H. road Osham Lawson's corner S. 10. E. 18.
 poles to a stake, S. 80. E. 13. poles to a bush and blackoak
 Thence N. 70 1/2 E. 34 poles to a double bush on top
 of a high hill. S. 28. E. 20 poles to a blackoak and
 dogwood. N. 88. E. 47 poles to a sycamore on the
 bank of a branch. S. 27. E. 14 poles to a sycamore
 at the mouth of said branch. S. 15. W. 29. poles
 crossing the said North Fork Creek. to a bush
 on the south bank. S. 25. E. 38 poles to a bush on
 the Tenn. line and with said line West 91
 poles to a corner of lot No. 3. N. 25. W. 65 poles
 to a bush and blackoak near the top of a hill
 Thence N. 15. W. 31. poles to a stake Thence N. 65. E.
 E. 19. poles to the Beginning containing 5 1/4 acres
 We next made the following plat so as
 to show First, the whole Estate, which is given
 in the out set of this report. Second, the dower
 which is shown second in this report, and
 then the whole Estate including the dower, we
 lay down in said plat showing each division,
 and how each lot rests upon the dower, all
 will be seen by reference to the plat, which
 is marked by name and by reference to the
 bearings no trouble will be found in
 finding the exact way we have done
 our work after we have done this we have
 laid down all the parts separate and apart

from each other so that any of the heirs or widow can get a part of their shares at any time called for. The Bower is shown by a dotted line thus. and the name or word Bower will be found written on the parts of the lots resting on the Bower.

Respectfully Submitted

A. J. Miller

G. B. Wallen

and

J. M. Tate

} Comrs

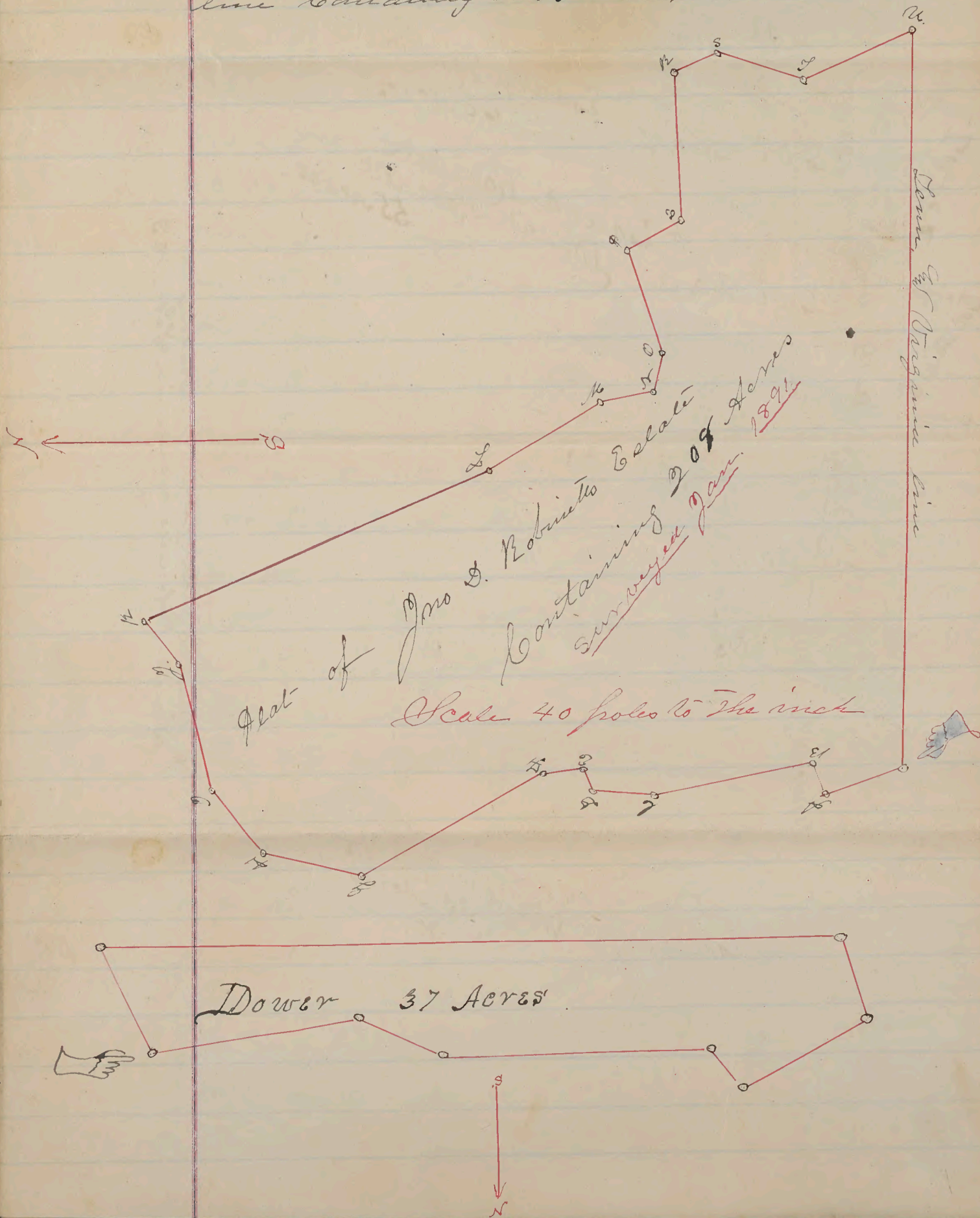
Bill of costs

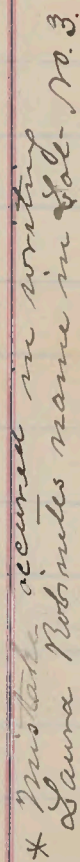
| | | |
|------------------------------|--------------------|---------------|
| A. J. Miller | 4 1/2 Days at \$2. | \$9.00 |
| G. B. Wallen | 4 1/2 " " " | 9.00 |
| Tate J. M. Surveyor | 4 1/2 " " " | 9.00 |
| and making out plat & Report | | 3.00 |
| No other cost charged | | |
| | | <hr/> \$30.00 |

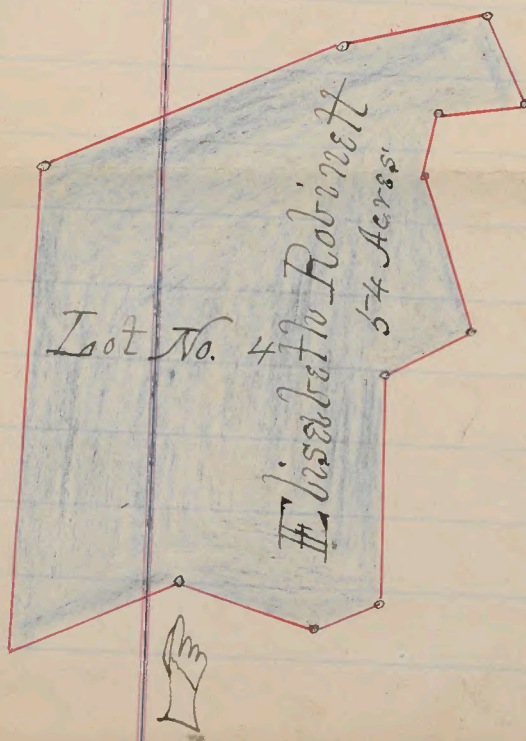
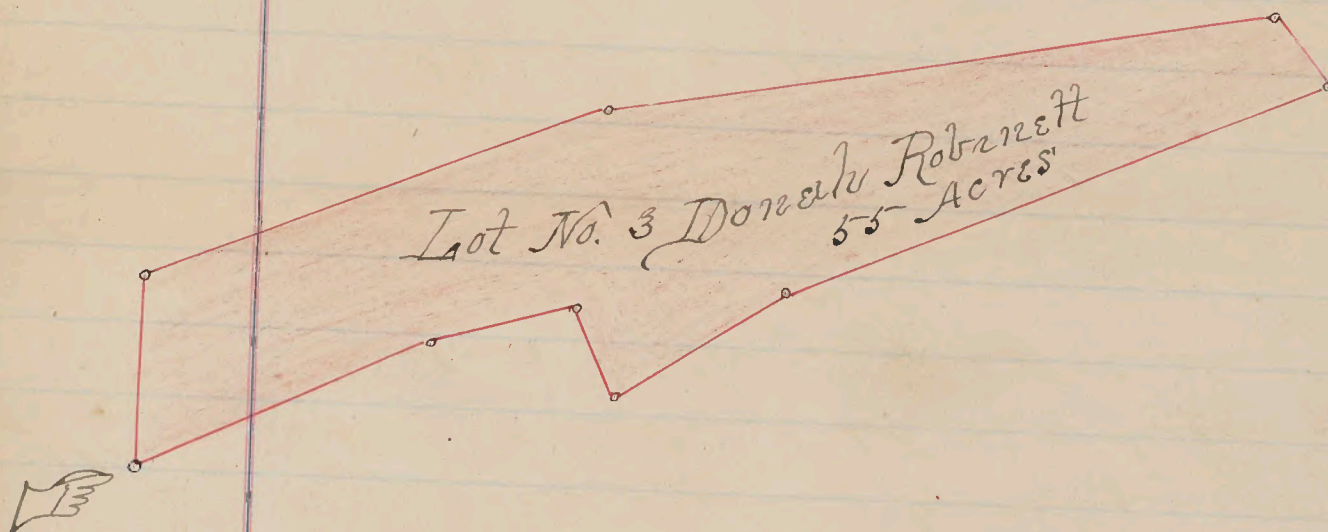
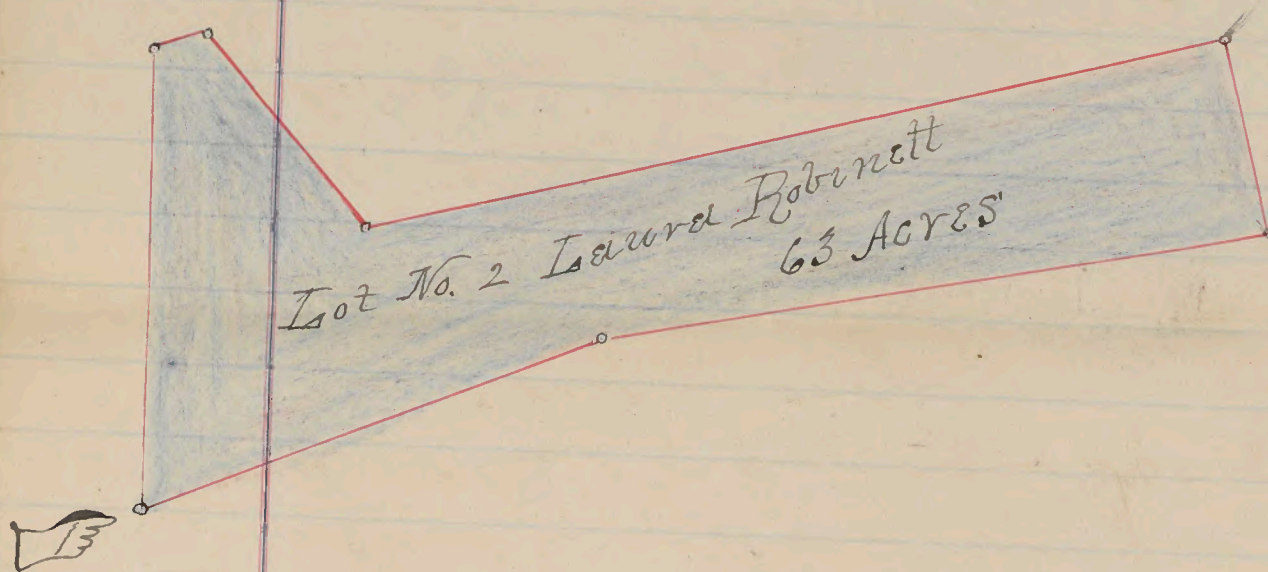
N. B. J. H. Robinson to have half
Tate's fee for field services in
making the survey.

J. M. Tate

The following plat shows The whole tract
Beginning at Thence to A. B. C. D. E. F. G. H. I. J. K.
L. M. N. O. P. Q. R. S. T. W. and to Beginning on Tenn.
line containing 208 acres.







James Herd & Wife
vs { In Chancery

Enoch Herd & Wife et al

Commissioners Report

Filed. Decr. 10th 1890.

J. H. S. Hyatt

Cover 30¢

The Commonwealth of Virginia.

To The Sheriff Of Lee County, Greeting:

We Command You to Summon Enoch Herd and

Martha Herd his wife, William
Robinet, Elizabeth Robinett and
Donie Robinett

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in March next, being rule day to answer a bill in Chancery exhibited in our said Court

against

them

by

James Herd

and Laura Herd his wife, an infant
who sues by James Herd, her
husband and next friend

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This 21st day of February 1890, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(A. L. P.)

James Herd & wife
res 3/4 Spaulding

Enoch Herd & wife et al
Lo 1st March July 1890.

Executed by
delivered office
copies of this
Spa to Martha Herd
wife of ~~James~~ ^{Enoch} Herd
member of his family
over 16 years of age
and by giving full
information as to its
purpose Enoch Herd
not being found at
his usual place of
abode this the 2nd of
March 1890

L B Wallen Dep
for A B Muncy
S L C